Attorney's Docket No. 1024944-000135

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
)	
Janice Affonso et al.)	Group Art Unit: 2176
)	
Application No.: 09/805,575)	Examiner: NATHAN HILLERY
)	
Filed: March 14, 2001)	Appeal No.:
)	
For: COMPUTER PROGRAM)	
PRODUCT FOR ASSISTING A)	
USER TO SELECT AMONG)	
INFORMATION UNITS OF A)	
PLURALITY OF STRUCTURED)	
INFORMATION UNITS)	
CONCERNING BEARINGS AND	
SEALS	

APPEAL BRIEF

Mail Stop APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This appeal is from the decision of the Primary Examiner dated June 28, 2005

(Paper No. , finally rejecting claims 1-13, which are reproduced as the Claims

Appendix of this brief.

☐ A check covering the ☐ $250.00 (2402) ☐ $500.00 (1402)
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The Commissioner is hereby authorized to charge any appropriate fees under

37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit

any overpayment, to Deposit Account No. 02-4800.

Table of Contents

I.   Real Party in Interest

Aktiebolaget SKF is the assignee of record in this application by virtue of the assignment recorded on October 18, 2001, which can be found at Reel 012267 and Frame 0651.

II.   Related Appeals and Interferences

The Appellant, the Appellants' legal representative, and the assignee, do not know of any other appeal or interferences which will affect or be directly affected by or have bearing on the Board's decision in the pending appeal.

III.   Status of Claims

Claims pending in this application are claims 1-13. Claims 1-13 have all been twice rejected, and are all subject to this appeal.

IV.   Status of Amendments

All Amendments, with respect to the above application, have been entered. No amendments have been filed subsequent to the final Office Action of June 27, 2005.

V.   Summary of Claimed Subject Matter

Appellants' disclosed system assists a user in selecting from among displayed information units concerning at least one product, its use, and technical solutions in relation to bearings and seals [e.g., (00013)][1]. An information unit maybe a data structure stored on a memory device or computer-readable medium. [e.g., (0012), (0039)]. An information unit comprises four items or tags: an information item, a

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[1] For ease of consideration, the paragraph numbers from the original specification shall be used.

descriptor tag, a structure tag, and a solution category tag. [e.g., (0039-0041)]. Pointers interconnect the information item, the descriptor tag, the solution category tag and the structure tag to an information unit. [e.g., (0042)]. The descriptor tag indicates the information contents of the information item. [e.g., (0013), (0023)]. The structure tag points to at least one information unit in the information unit structure database. [e.g., (0014)]. A solution category tag points to one information unit in the information unit structure database and indicates that the information unit belongs to one of design, reliability, maintenance and training categories. [e.g., (0015)]. The tags can be used as navigation tools through Appellants' system. [e.g., (0044-0045)]. An exemplary illustration of the interconnections between the tags or items is shown in Figure 2 of Appellants' specification.

Figure 3 illustrates a display showing an initial set of descriptor tags 7. [e.g., (0044)]. As shown in Figure 3, the descriptor tags 7 identify product areas in which bearings and seals may be used. Figure 3 also illustrates solution category tags 31, 33, 35 and 37, which correspond to design, reliability maintenance, and training categories. [e.g., (0044)]. Figure 4 illustrates the results when the user selects the compressor descriptor tag 25, in which case, subsets of compressors 39, 41 and 43 are shown along with solution category tags 31, 33, 35 and 37. [e.g., (0045)]. When a user selects one of the descriptor tags 7, a new set of information units 1 can be presented. [e.g., (0046)]. Once the new information units 1 with descriptor tags 7 are displayed on the output means, the user may again select a structure tag 9, or a solution category tag 13, which will result in the generation of a new set of information units 1. [e.g., (0046)].

VI.   Grounds of Rejection to be Reviewed on Appeal

Claims 1-13 currently stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Jammes et al. (U.S. Patent No. 6,484,149 B1) in view of Maynard (U.S. Patent No. 6,484,166 B1).

VII.   Argument

Claims 1-11 and 13-15

The combination of Jammes et al. and Maynard does not disclose all of the
claimed features.

Claim 1 recites an information item, a descriptor tag, a structure tag, a
solution tag and end pointers. An information item comprises information related to
at least one of the products, its use, and technical solutions in relation to bearings
and seals. A descriptor tag indicates the information contents of the information
item. The structure tag points to at least one information unit in an information unit
structure database. The information unit structure database includes the information
units of the information unit database. A solution category tag points to at least one
information unit in the information unit structure database and indicates the
information unit belonging to one of design, reliability, maintenance, and training
categories. Also defined are pointers, which interconnect the information item to the
descriptor tag, the solution category tag and the structured tag to an information unit.

The Examiner alleges that claim 1 is substantially similar to claims 12 and 13.
However, claim 1 incorporates several limitations that do not appear in claims 12 and
13 (see page 7, paragraph 12 of the final Office Action). For instance, the final
Office Action does not address any of the specific tags or the interconnection
between them by the use of pointers as recited in claim 1.

Jammes et al. is specifically directed to a store design user interface which is
used to design an electronic store by a merchant that wants to begin an online store.
(See column 3, lines 1-12). It is not directed to allowing a user who is a customer as
in Appellants' system, to select from among information units of a plurality of
structured information units concerning at least one of the products, its use, and
technical solutions in relation to bearings and seals as recited in independent claim
1.

Since claim 1 was rejected under the same rationale as claim 13, several of the features of claim 1 will be addressed with respect to the rejection of claim 13 in the rejection beginning on page 2 of the final Office Action.

In setting forth the rejection, the Office refers to column 28, lines 6-14 of the Jammes et al. patent, which describes a process of a Get_Subordinate_Groups routine. According to Jammes et al., this routine returns a pointer to a linked list of group structures and/or products in a refresh method. During the refresh method, the linked list is sequentially navigated until a null pointer is encountered. The Action goes on to state that column 45, lines 3-6 of Jammes et al. purportedly teaches the recited step of d) selectively repeating steps b) and c) at the users request. However, the sections of Jammes et al. relied upon is not related to the claimed step of "b) receiving an instruction to assemble a new set of descriptor tags, the instruction being generated by a user using an input device to select one of a structure tag and a solution category tag, the instruction resulting in the generation of a new set of information units, where at least one of the structure and the solution category tags of the information units in the new set are interconnected to the information units of a previous set." Rather, column 45, lines 3-6 of Jammes et al. describes processes including creating data records by way of group dialog boxes 1301 and product dialog boxes 1320, preparing HTML template files, and associating the template files with groups and products. (See, the description beginning on line one of column 42 to line 62 of column 44.) This description does not, however, relate to repeating the claimed steps b) and c), which include, among other features, receiving an instruction to assemble a new set of descriptor tags in which the instruction is generated by a user selecting one of structure tag and a solution category tag.

The Office Action also acknowledges that the Jammes et al. patent fails to teach category tags as claimed. The Office, therefore, relies on the description in column 23, line 33 to column 24, line 12 (which is claim 28) of Maynard to describe categorical tags. It is respectfully submitted, however, that the Maynard patent does not remedy the shortcomings of Jammes et al. First, it is respectfully submitted that

one of ordinary skill in the art would not have looked to the information management, searching and retrieval system of the Maynard patent to modify the Jammes et al. system of designing and operating an electronic store as suggested by the Examiner because these there is no teaching or suggestion for doing within these disparate documents. Second, even if one were to consider, for the sake of argument, that one of ordinary skill in the art were to somehow modify the Jammes et al. system to include categorical tags as taught in Maynard, such hypothetical modification would not have resulted in the combination of features recited in claim 13.

Referring to the description starting at column 1, line 48, the Maynard patent describes a system including a break module that parses through an information resource such as a document, a group of documents or a stream of information to create a number of "finite elements," such as paragraphs, sections, sub-sections, and segments. The break module also creates and assigns categorical tags for each of the finite elements based on a set of expert rules. Next, Maynard describes an "index module" that parses through the finite elements identified/created/ processed by the break module to create a searchable database of records, each record corresponding to one of the finite elements. Each of these records includes an address or location of the corresponding finite element, the categorical tag assigned to the finite element, and a string contained in the finite element and its frequency within the finite element. An end user of the Maynard system enters a search string as a search query and a "search module" searches through the index of the database records for records matching a specific search term or query. Search results are displayed in a collapsible/expandable structures according to categorical tags. After matched records are displayed, a user selects a displayed finite element from results of a search, and an "un-break module" operates to allows a user to view a contiguous portion of the informational resource to which the finite element belongs. Hence, the categorical tags of the Maynard system do not relate to the solution category tags of the present invention because a user does not select a categorical tag. Rather, a user of the Maynard system selects a finite element arranged in a display, which results in reproducing a "finite element" record within the context of related contiguous portions of the information resource. Moreover, such

selection does not teach or suggest the claimed features of generating an instruction to assemble a new set of descriptor tags, which results in generating a new set of information units including structure and category tags interconnected to information units of a previous set.

Similar distinctions are recited in independent claim 1, which is directed to a computer program product. Additionally, claim 1 recites that each information unit includes an information item comprising information related to at least one of the products, their use and technical solutions in relation to bearings and seals, and that a solution category tag points to at least one information unit in the information unit structure database and indicates that the information unit belongs to one of design, reliability, maintenance and training categories. It is respectfully submitted that column 8, lines 11-13 of the Jammes patent relied upon by the Office for allegedly teaching this feature does not mention or suggest this combination of specific features recited in claim 1.

By contrast, the present invention set forth in claim 1 provides two structures that interact with, or point to, the information units in the information unit database comprising information related to at least one of the products, their use and technical solutions in relation to bearings and seals. This leads to an advantage since the present invention offers two possibilities of finding a desired information unit. First there is the possibility of selecting the structure tags, which are based on products and/or uses of bearings and seals. Second there is the possibility of selecting solution category tags, which are based on the solution category, i.e. whether the information unit deals with design, reliability, maintenance or training in relation to bearings and seals. The combination of these two possibilities, which facilitates easy and swift retrieval of needed information, is not taught or suggested in the proposed combination of the Jammes et al. and Maynard patents.

Furthermore, Appellants assert that Maynard does not disclose or suggest receiving an instruction to assemble a new set of descriptor tags, the instruction being generated by a user using an input device to select one of a structure tag and a solution category tag, the instruction resulting in the generation of a new set of

information units, where at least one of the structure and the solution category tags of the information units in the new set is interconnected to the information units of the previous set as recited in step b) of claim 1, when taken in the context of the present application.

Nor does the Office Action explain how the features of Maynard would be combined or interact with the system of Jammes et al. The Office Action cites keywords in the Jammes et al. and Maynard references with the suggestion that they relate to features of claim 1 without describing the interaction of Maynard with Jammes et al.

Jammes et al. or Maynard individually, or in combination do not disclose or suggest all of the features recited in the claims.

No suggestion or motivation to combine Maynard with Jammes et al.

In the Advisory Action dated December 7, 2005 (lines 16-18), the Examiner states that "the obviousness relied upon was based in the knowledge known to one of ordinary skill in the art at the time of the invention." However, the mere statement that the "knowledge known to one of ordinary skill in the art" is insufficient to establish a prima facie case of obviousness. There must be some objective reason to combine the teachings of the references. *Ex. Parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993). In addition, the mere level of skill in the art cannot be relied upon to provide the suggestion to combine references. *Al-Site Corp. v. VSI Int'l Inc.*, 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999).

Furthermore, neither the Maynard reference nor the Jammes et al. reference provides any suggestion of the desirability of the combination of Jammes et al. with Maynard because Jammes et al. already has a search function which provides a collapsible/expandable display, which is the basis of the obviousness rejection relied upon by the Examiner.

There must be something in the prior art as a whole to suggest the desirability of making the combination. *In re Fulton,* 391 F.2d 1195, 1200-01, 73 USPQ2d

1140,1145-46 (Fed. Cir. 2004). The Maynard system is drawn to conventional search tools such as Infoseek, Altavista and Hotbot, which organize the result of their search according to the number of hits of the search word for each document found (column 1, lines 20-40). The Maynard patent asserts that search results from each of the above search tools would benefit from a collapsible/expandable search result display as disclosed. This is apparently not such a desirable feature because a review of common search engines, such as Infoseek, Alta Vista, HotBot and Google reveals that none have implemented such as a collapsible/expandable display feature for its search results. More importantly, the broad allegation that some change could be beneficial is not a substitute or an explanation as to why it would be beneficial or what these benefits would be. One of skill in the art would not look to Maynard to improve the search engine results display of Jammes et al., particularly, since Jammes et al. already uses a collapsible/expandable search result display. (See Figure 3, element 338 and column 26, lines 24-48).

Accordingly, claims 1-11 and 13-15 are allowable over the applied prior art.

Claim 12

The combination of Jammes et al. and Maynard does not disclose all of the features of the claim.

The Office Action asserts that Jammes et al. discloses at column 42, lines 21-26, the features of a descriptor tag indicating informational contents of said information item and a structure tag pointing to at least one information unit and said data structure. However, a review of column 42, as well as column 43, reveals that the citation relied upon by the Examiner states that the HTML authoring tool produces a template file representing a template page. Each template file includes HTML formatting codes (or tags), text content, and references to a product information database, which can be resolved to extract information about a group or product. Although Jammes et al. asserts that HTML formatting codes (or tags) can be placed within the template page, the reference does not describe a descriptor tag

indicating informational contents of said information and a structure tag pointing to at least one information unit in said data structure as recited in claim 12.

The cited passages of Jammes et al. do not disclose a descriptor tag indicating informational contents of said information item. At best, it discloses that the HTML formatting codes or tags can be resolved to extract information about a group or product. It does not stand for the proposition that the descriptor tag indicates informational contents of said information item. As for the feature of a structure tag pointing to at least one information unit in said data structure, it is unclear how the cited passage of Jammes et al. discloses such a feature. In particular, in the next sentence of the rejection after the recited limitation of a structure tag pointing to at least one information unit in said data structure, the Examiner states that Jammes et al. does not explicitly teach pointers. The Examiner relies upon Maynard to disclose the features of a solution category tag pointing to at least one information unit in the data structure.

As mentioned above, Maynard is directed to an information management and retrieval system. It utilizes features such as the break module to create categorical tags for each of the finite elements within documents that are searched. The categorical tags are created by an expert system during searches. The portions of Maynard relied upon by the Examiner are taken from the Background and Summary sections of Maynard's specification.

Claim 12 recites that each information unit in said data structure comprises new formation item, a descriptor tag, a structured tag, a solution category tag, end pointers interconnecting information item, the descriptor tag, the solution category tag and the structure tag to an information unit. The rejection of claim 12 identifies citations from the Jammes et al. and Maynard references that allegedly describe or disclose each of the items or tags without stating how the cited text of Jammes et al. and Maynard disclose an information unit comprises each of the claimed elements.

The Examiner states that neither Jammes et al. nor Maynard explicitly teach indicating membership of the information unit to one of design reliability and

maintenance and training categories or information item, including information related to one of bearings and seal. The Examiner alleges that it would be obvious to one of ordinary skill in the art at the time of the invention to be motivated to use or modify the combined invention of Jammes et al. and Maynard to provide for the recited limitations.

Jammes et al. discloses the types of products that would be part of the electronic store. Jammes et al. does not disclose providing additional information such as design, reliability, maintenance and training categories for a product. As for Maynard, it is directed an information search and retrieval system, and does not provide any suggestion of adding these additional information units that are directed to design, reliability, maintenance and training categories. Accordingly, the Examiner appears to be relying upon hindsight to provide the necessary nexus between the claimed embodiments and the applied prior art. The combined teachings of Jammes et al. and Maynard would not have provided sufficient suggestion or motivation to one of ordinary skill to derive the features recited in claim 12 (or claims 1 and 13 for similar reasons).

Jammes et al. discloses a HTML template file to arrange all of the information regarding the products of the electronic store. Maynard et al disclose a system which uses expert rules to breakdown a document or informational source until a structure that allows for more efficient management, search and retrieval of the information within the information resources. Break module 10 based on expert rules to create the category tags resulting from a search. In contrast, Jammes et al. establishes the HTML template file when the store is initially created. Therefore, one would not look to Maynard to modify the system of Jammes et al. because the categorical tags would have been created after the HTML template file of Jammes et al. was created. Without using improper hindsight, neither reference discloses or suggests that a structured category tag would be created, points to at least one information unit in a data structure, and indicates membership of the information unit to one of design reliability, maintenance and training categories as recited in the present claims.

No suggestion or motivation to combine Maynard with Jammes et al.

The Office asserts that the motivation to combine the invention of Jammes et al. with the invention of Maynard would allow the users of Jammes the benefit of an information management, retrieval and display system for searching through an informational resource and for displaying the results of the search in a collapsible/expandable format based upon user selected display criteria or hierarchy. (See Advisory Action paper no. 20051130, page 6 of the final Office Action, paper no. 20050614). However, this motivation is misplaced for similar reasons to that given above with respect to claims 1 and 13.

Further, claim 12 is directed to a data structure. It is unclear how the Office's motivation to combine Jammes et al. and Maynard is related to a data structure. One of ordinary skill in the art at the time of the invention would not have been motivated to combine Jammes et al. with Maynard to create the claimed data structure because Maynard is directed to an information management system and display of search results in a collapsible/expandable format, while Jammes at al. is directed to the creation of an electronic store. Neither Jammes et al. nor Maynard disclose or suggest, either individually, or in combination, an information unit comprising the features recited in claim 12.

Claim 12 is allowable for the above reasons.

VIII. Claims Appendix

See attached Claims Appendix for a copy of the claims involved in the appeal.

IX. Evidence Appendix

See attached Evidence Appendix for copies of evidence relied upon by Appellant.
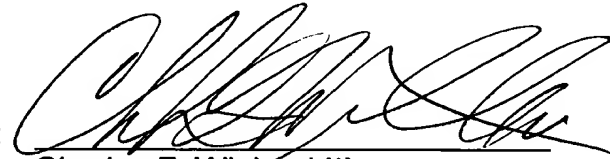
X.   Related Proceedings Appendix

See attached Related Proceedings Appendix for copies of decisions identified in Section II, <u>supra</u>.

Respectfully submitted,

Buchanan Ingersoll PC

Date   February 27, 2006   By: _____
                               Charles F. Wieland III
                               Registration No. 33,096

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

VA 845543.1

VIII. CLAIMS APPENDIX

The Appealed Claims

Claim 1: Computer program product for assisting a user to select among information units of a plurality of structured information units concerning at least one of products, their use and technical solutions in relation to bearings and seals, wherein

- each information unit, which is comprised in an information unit database, is arranged to comprise

- an information item comprising information related to at least one of the products, their use and technical solutions in relation to bearings and seals,

- a descriptor tag indicating the information contents of the information item,

- a structure tag pointing to at least one information unit in an information unit structure database, the information unit structure database including the information units of the information unit database,

- a solution category tag pointing to at least one information unit in the information unit structure database and indicating belonging of the information unit to one of design, reliability, maintenance and training categories, and

- pointers interconnecting the information item, the descriptor tag, the solution category tag and the structure tag to an information unit,

- the computer program product being encoded on a medium readable by loadable into the internal memory of a computer and comprising causing a computer program code portions for performing the following to perform steps of when run on a computer including input and output means:

a) presenting an initial set of descriptor tags using the output means,

b) receiving an instruction to assemble a new set of descriptor tags, the instruction being generated by the user using the input means to select one of a structure tag and a solution category tag, the instruction resulting in the generation of

a new set of the information units, where at least one of the structure and the solution category tags of the information units in the new set are interconnected to the information units of the previous set,

   c) presenting the descriptor tags of the new set of the information units using the output means, and

   d) repeating step b) and c) at the user's request.

   Claim 2: Computer program product according to claim 1, wherein the descriptor tag of an information unit is constituted by a portion of its information item.

   Claim 3: Computer program product according to claim 1, wherein the descriptor tag of an information item is constituted by a description of the contents of the information item.

   Claim 4: Computer program product according to claim 1, wherein the information item is comprised by at least one of the following information types: text, photo, table and drawing.

   Claim 5: Computer program product according to claim 1, wherein the initial set of descriptor tags is based on a cookie from a previous use session of the computer program product.

   Claim 6: Computer program product according to claim 1, wherein the initial set of descriptor tags is based on a default set.

Claim 7: Computer program product according to claim 1, wherein the information unit database is comprised in the computer program product.

Claim 8: Computer program product according to claim 1, wherein the information unit structure database is comprised in the computer program product.

Claim 9: Computer program product according to claim 1, wherein the information unit database is integrated with the information unit structure database.

Claim 10: Computer program product according to claim 1, intended to be used by a server connected to the Internet.

Claim 11: Computer program product according to claim 1, loaded on a carrier.

Claim 12: A data structure storable stored on a computer-readable medium for assisting a user to select among information units of a plurality of structured information units, wherein each information unit in said data structure comprises:

an information item including information related to one of bearings and seals;

a descriptor tag indicating informational contents of said information item;

a structure tag pointing to at least one information unit in said data structure;

a solution category tag pointing to at least one information unit in the data structure and indicating membership of the information unit to one of design, reliability, maintenance and training categories; and

pointers interconnecting the information item, the descriptor tag, the solution category tag and the structure tag to an information unit.

Claim 13: A computer program stored on a computer-readable medium for performing the steps of:

a) presenting an initial set of descriptor tags using an output device;

b) receiving an instruction to assemble a new set of descriptor tags, the instruction being generated by a user using an input device to select one of a structure tag and a solution category tag, the instruction resulting in the generation of a new set of information units, where at least one of the structure and the solution category tags of the information units in the new set are interconnected to the information units of a previous set;

c) presenting the descriptor tags of the new set of the information units using the output device; and

d) selectively repeating steps b) and c) at the user's request.

Claim 14: Computer program according to claim 13, wherein step a) includes presenting along with the initial set of descriptor tags at least one solution category tag pointing to at least one other information unit.

Claim 15: Computer program according to claim 13, wherein the solution category tags of the initial and previous sets point to at least one information unit in the information unit structure database and indicate belonging of the information unit to one of design, reliability, maintenance and training categories,

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None Known.